



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

December 19, 2013

By ECF

Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Nathan Dershowitz, Executor of the Estate of Marilyn Dershowitz, deceased v.
The United States of America*, 12 Civ. 8634 (SN)

Dear Judge Netburn:

This Office represents defendant the United States of America in the above-referenced matter. We write respectfully to request an extension of the deadline for completion of fact discovery from December 23, 2013 until January 22, 2014 to allow the United States sufficient time to complete its responses to Plaintiff's document demands. This is the third request for an extension of the deadline for fact discovery; the Court granted the previous two requests on September 19, 2013 and November 25, 2013. *See* Dkt. Nos. 13, 18. In accordance with the Court's Individual Practices in Civil Cases, the United States has attached a Proposed Revised Scheduling Order which addresses the effect of this request on all other scheduled dates. Plaintiff's counsel consents to the requested extension.

As the Court may recall, this is a Federal Tort Claims Act case regarding a July 2, 2011 accident involving a United States Postal Service ("USPS") truck that resulted in the death of Marilyn Dershowitz, who was riding her bicycle on West 29th Street between 9th and 10th Avenues at the time of the accident. Since the parties' last request for an extension of the deadline for fact discovery, the parties have, among other things, completed all depositions of fact witnesses (a total of 20 depositions), and the United States has made progress in searching for documents responsive to Plaintiff's demands, including a set of 16 additional demands served on November 21, 2013.

Unfortunately, the USPS personnel whose assistance is essential to the Government's document collection efforts have been unavailable at various points in December because of holiday scheduling conflicts and, in one case, a death in the family. Accordingly, the Government respectfully requests an extension of 30 days, until January 22, 2014, to allow for the completion of its search for and production of documents responsive to Plaintiff's document demands.

We thank the Court for its consideration of this matter.

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

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